



Senate

General Assembly

File No. 76

January Session, 2021

Senate Bill No. 700

Senate, March 17, 2021

The Committee on Planning and Development reported through SEN. CASSANO of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE DISCLOSURE OF DAMS AND SIMILAR STRUCTURES BY SELLERS OF REAL PROPERTY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 20-327b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2021*):

4 (d) The Commissioner of Consumer Protection shall, within available
5 appropriations, prescribe the written residential condition reports
6 required by this section and sections 20-327c to 20-327e, inclusive. The
7 written residential condition reports shall be based upon templates that
8 the commissioner shall prescribe. Such templates shall: Fit on pages
9 being not more than eight and one-half inches in height and eleven
10 inches in width, with type size no smaller than nine-point type, other
11 than checkboxes or section headers, which may be in a smaller size;
12 include the address of the subject property on each page; include page
13 numbers on each page; include section headings in bold type and
14 include space for the buyer and the seller's initials on each page, except

15 the signature page. Each written residential condition report, other than
16 the written residential condition report required pursuant to
17 subsections (g) and (h) of this section, shall contain the following, in the
18 order indicated:

19 (1) A section entitled "Instructions to Sellers"

20 You MUST answer ALL questions to the best of your knowledge.

21 Identify/Disclose any problems regarding the subject property.

22 YOUR REAL ESTATE LICENSEE CANNOT COMPLETE THIS
23 FORM ON YOUR BEHALF.

24 UNK means Unknown, N/A means Not Applicable.

25 If you need additional space to complete any answer or explanation,
26 attach additional page(s) to this form. Include subject property address,
27 seller's name and the date.

28 (2) Pursuant to the Uniform Property Condition Disclosure Act, the
29 seller is obligated to answer the following questions and to disclose
30 herein any knowledge of any problem regarding the following:

31 (A) A subsection entitled "Subject Property"

32 (i) Name of seller(s)

33 (ii) Street address, municipality, zip code

34 (B) A subsection entitled "General Information"

35 (i) Indicate the YEAR the structure was built:

36 (ii) Indicate HOW LONG you have occupied the property: If not
37 applicable, indicate with N/A.

38 (iii) Does anyone else claim to own any part of your property,
39 including, but not limited to, any encroachment(s)? If YES, explain:

40 (iv) Does anyone other than you have or claim to have any right to
41 use any part of your property, including, but not limited to, any
42 easement or right-of-way? If YES, explain:

43 (v) Is the property in a flood hazard area or an inland wetlands area?
44 If YES, explain:

45 (vi) Are you aware of the presence of a dam on the property that has
46 been or is required to be registered with the Department of Energy and
47 Environmental Protection? If YES, explain:

48 [(vi)] (vii) Do you have any reason to believe that the municipality in
49 which the subject property is located may impose any assessment for
50 purposes such as sewer installation, sewer improvements, water main
51 installation, water main improvements, sidewalks or other
52 improvements? If YES, explain:

53 [(vii)] (viii) Is the property located in a municipally designated village
54 district, municipally designated historic district or listed on the National
55 Register of Historic Places? If YES, explain:

56 [(viii)] (ix) Special Statement: Information concerning village districts
57 and historic districts may be obtained from the municipality's village or
58 historic district commission, if applicable.

59 [(ix)] (x) Is the property located in a special tax district? If YES,
60 [please] explain:

61 [(x)] (xi) Is the property subject to any type of land use restrictions,
62 other than those contained within the property's chain of title or that are
63 necessary to comply with state laws or municipal zoning? If YES,
64 explain:

65 [(xi)] (xii) Is the property located in a common interest community?
66 If YES, is it subject to any community or association dues or fees? Please
67 explain:

68 [(xii)] (xiii) Do you have any knowledge of prior or pending litigation,

69 government agency or administrative actions, orders or liens on the
70 property related to the release of any hazardous substance? If YES,
71 [please] explain:

72 (C) A subsection entitled "Leased Equipment"

73 Does the property include any Leased or Rented Equipment that
74 would necessitate or obligate either of the following: The assignment or
75 transfer of the lease or rental agreement(s) to the buyer or the
76 replacement or substitution of the equipment by the buyer? If YES,
77 indicate by checking ALL items that apply: PROPANE FUEL TANK;
78 WATER HEATER; SECURITY ALARM SYSTEM; FIRE ALARM
79 SYSTEM; SATELLITE DISH ANTENNA; WATER TREATMENT
80 SYSTEM; SOLAR DEVICES; MAJOR APPLIANCES; OTHER

81 (D) A subsection entitled "Mechanical/Utility Systems"

82 (i) Heating system problems? If YES, explain. List Fuel Types.

83 (ii) Hot water heater Type: Age: Hot water problems? If YES, explain:

84 (iii) Is there an underground storage tank? If YES, give AGE of tank
85 and LOCATION.

86 (iv) Are you aware of any problems with the underground storage
87 tank? If YES, explain:

88 (v) During the time you have owned the property, has there ever been
89 an underground storage tank located on the property? If YES, has it been
90 removed? If YES, what was the date of removal and what was the name
91 and address of the person or business who removed such underground
92 storage tank? Provide any and all written documentation of such
93 removal within your control or possession by attaching a copy of such
94 documentation to this form.

95 (vi) Air conditioning problems? If YES, explain: Air conditioning
96 Type: Central; Window; Other

97 (vii) Plumbing system problems? If YES, explain:

98 (viii) Electrical System problems? If YES, explain:

99 (ix) Electronic security system problems? If YES, explain:

100 (x) Are there carbon monoxide or smoke detectors located in a
101 dwelling on the property? If YES, state the NUMBER of such detectors
102 and whether there have been problems with such detectors;

103 (xi) Fire sprinkler system problems? If YES, explain:

104 (E) A subsection entitled "Water System"

105 (i) Domestic Water System Type: Public; Private Well; Other

106 (ii) If Public Water:

107 (I) Is there a separate expense/fee for water usage? If YES, is the
108 expense/fee for water usage flat or metered? Give the AMOUNT and
109 explain:

110 (II) Are there any UNPAID water charges? If YES, state the amount
111 unpaid:

112 (iii) If Private Well:

113 Has the well water been tested for contaminants/volatile organic
114 compounds? If YES, attach a copy of the report.

115 (iv) If Public Water or Private Well: Are you aware of any problems
116 with the well, or with the water quality, quantity, recovery, or pressure?
117 If YES, explain:

118 (F) A subsection entitled "Sewage Disposal System"

119 (i) Sewage Disposal System Type: Public; Septic; Cesspool; Other

120 (ii) If Public Sewer:

121 (I) Is there a separate charge made for sewer use? If YES, is it Flat or
122 Metered?

- 123 (II) If it is a Flat amount, state amount and due dates:
- 124 (III) Are there any UNPAID sewer charges? If any unpaid sewer
125 charges, state the amount:
- 126 (iii) If Private:
- 127 (I) Name of service company
- 128 (II) Date last pumped: AND frequency:
- 129 (III) For any sewage system, are there problems? If YES, explain:
- 130 (G) A subsection entitled "Asbestos/Lead"
- 131 (i) Are asbestos containing insulation or building materials present?
132 If YES, location:
- 133 (ii) Is lead paint present? If YES, location:
- 134 (iii) Is lead plumbing present? If YES, location:
- 135 (H) A subsection entitled "Building/Structure/Improvements"
- 136 (i) Is the foundation made of concrete? If NO, explain:
- 137 (ii) Foundation/Slab problems or settling? If YES, explain:
- 138 (iii) Basement Water Seepage/Dampness? If YES, explain Amount,
139 Frequency and Location:
- 140 (iv) Sump pump problems? If YES, explain:
- 141 (v) Do you have any knowledge of any testing or inspection done by
142 a licensed professional related to a foundation on the property? If YES,
143 disclose the testing or inspection method, the areas or locations that
144 were tested or inspected, the results of such testing or inspection and
145 attach a copy of the report concerning such testing or inspection.
- 146 (vi) Do you have any knowledge of any repairs related to a
147 foundation on the property? If YES, describe such repairs, disclose the

- 148 areas repaired and attach a copy of the report concerning such repairs.
- 149 (vii) Do you have any knowledge related to the presence of pyrrhotite
150 in a foundation on the property? If YES, explain:
- 151 (viii) Roof type; Age?
- 152 (ix) Roof leaks? If YES, explain:
- 153 (x) Exterior siding problems? If YES, explain:
- 154 (xi) Chimney, Fireplace, Wood or Coal Stove problems? If YES,
155 explain:
- 156 (xii) Patio/deck problems? If YES, explain:
- 157 (xiii) If constructed of Wood, is the Wood Treated or Untreated?
- 158 (xiv) Driveway problems? If YES, explain:
- 159 (xv) Water drainage problems? If YES, explain:
- 160 (xvi) Interior Floor, Wall and/or Ceiling problems? If YES, explain:
- 161 (xvii) Fire and/or Smoke damage? If YES, explain:
- 162 (xviii) Termite, Insect, Rodent or Pest Infestation problems? If YES,
163 explain:
- 164 (xix) Rot or Water damage problems? If YES, explain:
- 165 (xx) Is house insulated? If YES, Type: Location:
- 166 (xxi) Has a test for Radon been performed? If YES, attach a copy of
167 the report.
- 168 (xxii) Is there a Radon Control System in place? If YES, explain:
- 169 (xxiii) Has a Radon control system been in place in the previous 12
170 months? If YES, explain:

171 (I) The Seller should attach additional pages to further explain any
172 item(s) above. Indicate here the number of additional pages attached:

173 (J) Questions contained in subparagraphs (A) to (I), inclusive, of this
174 subdivision shall contain checkboxes indicating "yes", "no", "not
175 applicable" or "unknown".

176 (3) The written residential condition report shall contain the
177 following immediately below the questions contained in subparagraphs
178 (A) to (I), inclusive, of subdivision (2) of this subsection:

179 A certification by the seller in the following form:

180 SELLER'S CERTIFICATION

181 "To the extent of the seller's knowledge as a property owner, the seller
182 acknowledges that the information contained above is true and accurate
183 for those areas of the property listed. In the event a real estate broker or
184 salesperson is utilized, the seller authorizes the brokers or salespersons
185 to provide the above information to prospective buyers, selling agents
186 or buyers' agents.

T1 (Date) (Seller)
T2 (Date) (Seller)"

187 (4) The written residential condition report shall contain the
188 following in a separate section immediately below the seller's
189 certification:

190 IMPORTANT INFORMATION

191 (A) RESPONSIBILITIES OF REAL ESTATE BROKERS

192 This report in no way relieves a real estate broker of the broker's
193 obligation under the provisions of section 20-328-5a of the Regulations
194 of Connecticut State Agencies to disclose any material facts. Failure to
195 do so could result in punitive action taken against the broker, such as
196 fines, suspension or revocation of license.

197 (B) STATEMENTS NOT TO CONSTITUTE A WARRANTY

198 Any representations made by the seller on the written residential
199 condition report shall not constitute a warranty to the buyer.

200 (C) NATURE OF REPORT

201 This Residential Property Condition Report is not a substitute for
202 inspections, tests and other methods of determining the physical
203 condition of property.

204 (D) INFORMATION ON THE RESIDENCE OF CONVICTED
205 FELONS

206 Information concerning the residence address of a person convicted
207 of a crime may be available from law enforcement agencies or the
208 Department of Public Safety.

209 (E) BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

210 Prospective buyers should consult with the municipal building
211 official in the municipality in which the property is located to confirm
212 that building permits and certificates of occupancy have been issued for
213 work on the property.

214 (F) HOME INSPECTION

215 Buyers should have the property inspected by a licensed home
216 inspector.

217 (G) CONCRETE FOUNDATION

218 Prospective buyers may have a concrete foundation inspected by a
219 licensed professional engineer who is a structural engineer for
220 deterioration of the foundation due to the presence of pyrrhotite.

221 (H) DAM

222 Information concerning the registration and categorization of a dam
223 on the property may be obtained from the Department of Energy and

224 Environmental Protection.

225 (5) The written residential condition report shall contain the
226 following immediately below the statements contained in
227 subparagraphs (A) to [(G)] (H), inclusive, of subdivision (4) of this
228 subsection:

229 A certification by the buyer in the following form:

230 BUYER'S CERTIFICATION

231 "The buyer is urged to carefully inspect the property and, if desired,
232 to have the property inspected by an expert. The buyer understands that
233 there are areas of the property for which the seller has no knowledge
234 and that this report does not encompass those areas. The buyer also
235 acknowledges that the buyer has read and received a signed copy of this
236 report from the seller or seller's agent.

T3 (Date) (Buyer)

T4 (Date) (Buyer)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	20-327b(d)

PD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires disclosure to prospective buyers about the presence of dams on residential property to be registered with the Department of Energy and Environmental Protection (DEEP) before a purchase agreement is signed.

This has no fiscal impact on the state or municipalities since there are no fines for violations and this provision is expected to apply to third-parties carrying out residential property transactions.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**SB 700*****AN ACT CONCERNING THE DISCLOSURE OF DAMS AND SIMILAR STRUCTURES BY SELLERS OF REAL PROPERTY.*****SUMMARY**

This bill adds a question about dams to the standard written residential condition report that the law generally requires a seller of residential property to provide to a prospective buyer before the transaction occurs.

Under the bill, the standard written residential condition report must include a question about the presence of dams that have been, or must be, registered with the Department of Energy and Environmental Protection (DEEP). By law, dams and similar structures that could endanger life or property if they fail must be registered with DEEP (CGS § 22a-409(b)).

The bill also requires the report to include a statement informing prospective buyers that information on the registration and categorization of dams may be obtained from DEEP. (State regulations classify dams by the hazard they would pose if they fail (Conn. Agencies Regs. § 22a-409-2).)

EFFECTIVE DATE: October 1, 2021

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 26 Nay 0 (03/02/2021)